

### REMARKS

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the specification, amendments to the claims, and the following remarks.

Currently, claims 1-30 are under prosecution. Claims 1-12 had been indicated as allowable while claims 13-30 had been rejected.

Request had been made to review the specification for possible minor errors. The specification has been reviewed and two corrections were noted. First, the parent application has now issued as a patent and, thus, the first paragraph in the application has been amended to refer to the issued patent. The second correction that was noted was on page 15 in the first full paragraph. An obvious typographical error was noted and has been corrected herein.

The drawings had been objected to as not showing every feature of the invention. Specifically, the second periphery portion that does not have a first snap fitting periphery portion as recited in claim 22 was deemed not to be shown in the drawings. The second

periphery portion of the disc that does not have a snap fitting periphery portion is described in the specification at page 16, in the second full paragraph. It is also shown in FIGS. 4A-4C. In the lid assembly depicted in FIGS. 4A-4C, snap fit periphery is provided by the disc element 36 for a portion of the snap fit periphery while element 34 as shown in FIG. 3 refers to the other portion of the snap fit periphery. The other portion 36 of disc 10 is absent from the portion of the disc where snap fit periphery portion 34 of the bottom portion 30 forms a snap fit periphery. Respectfully, the second portion is clearly shown in the drawings and described in the specification.

Claims 22-30 had been rejected under 35 USC 112, second paragraph, as being vague because the first snap fit periphery portion and said second snap fit periphery portion were vague and indefinite. Respectfully, this is not vague and indefinite especially given the disclosure on page 16 in the second full paragraph and the drawings herein. This is the best shown in FIG. 2 where snap fit periphery 36 extends around approximately  $7/8$  of the circumference of the lid while the bottom portion 30 forms the other  $1/8$  portion of snap fit periphery which is marked 34. Thus, the first snap fit periphery portion is 36 while the second snap fit periphery portion is 34. When the bottom portion 30 is mated up with the disc, a complete snap fit periphery is formed and

allows for the lid to be snapped onto the cup.

Claims 13-21 had been rejected as being unpatentable over a combination of the '928 patent in view of the '014 patent. Claim 13 is an independent claim upon which claims 14-21 depend. Claim 13 has been amended to add the limitation that the lid has a bottom section which mates with the circular disc to form the arched tube and also to form the portion of the snap fit periphery. Support for this amendment can be found in the second full paragraph on page 13 wherein it states that the bottom section 30 is used to form chamber 18, the tube section recited in claim 13, and a portion of the snap fit periphery 12. Thus, it is respectfully submitted that the amendment to claim 13 is clearly supported by the specification.


With respect to the '928 and the '014 patents, neither one of these patents teaches a lid bottom which mates with a portion of the disc to form the snap fit periphery of the disc. Respectfully, the amendments made to claim 13 clearly distinguish over the art and therefore make claim 13 allowable over the art. Since claims 14-21 depend upon claim 13, it is respectfully submitted that claims 14-21 are also patentable over the art. Respectfully, claims 13-21 are patentable over the '298 and the '014 patents taken alone or in combination.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization given to debit account No. 02-2275.

Respectfully submitted,

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